

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ERVIN LEE MCFERRIN §
VS. § CIVIL ACTION NO. 1:17cv196
MARCIA A. CRONE, ET AL. §

MEMORANDUM OPINION

Plaintiff Ervin Lee McFerrin, an inmate confined at the Eastham Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights lawsuit.

Discussion

On Mary 19, 2018, the court entered an order directing plaintiff to pay an initial partial filing fee. Plaintiff was given 30 days to comply with the court's order. Plaintiff acknowledged receipt of the court's order on March 23, 2018. However, plaintiff has not paid the initial partial filing fee, shown good cause for failing to do so or otherwise contacted the court.

Federal Rule of Civil Procedure 41(b) authorizes a district court to dismiss an action for failure to prosecute or for failure to comply with any court order. *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998). "This authority [under Rule 41(b)] flows from the court's inherent power to control its docket and prevent undue delays in the disposition of pending cases." *Boudwin v. Graystone Insurance Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash, R.R. Co.*, 370 U.S. 626, 629 (1962)).

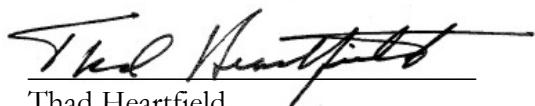
By failing to comply with the order described above, plaintiff has failed to diligently prosecute this case. As a result, this case will be dismissed for want of prosecution.

Conclusion

For the reasons set forth above, this case will be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). If plaintiff wishes to have this case reinstated on the court's

active docket, he may do so by paying the initial partial filing fee within 30 days of the date set forth below or showing good cause for failing to do so.

SIGNED this the 23 day of July, 2018.



Thad Heartfield
United States District Judge